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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 9-8-09

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

PHILLIP DeBAECKE, D.V.M.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by LuAnn Nanni subsequent to her visit with her pet to Phillip DeBaecke, D.V.M., at Banfield-The Pet Hospital ("Banfield") in Woodbridge, New Jersey. In her complaint, Ms. Nanni alleged that the respondent engaged in negligence and failed to properly diagnose the condition of her thirteen (13) year old dog, "Toby," in June 2008.

Toby was initially presented to Dr. DeBaecke at Banfield on June 5, 2008 with complaints of an oral abscess. Following his examination of the dog, the respondent recommended dental surgery which was performed on June 19, 2008. The mouth required full tooth extraction, grade 3 periodontal disease was noted, the deteriorated maxillary bone was removed and the area was surgically closed. Toby returned on July 21, 2008 with the maxillary jaw reopened reportedly due to his scratching at his face. The defect was again surgically closed. The dog returned on July 31, 2008 with the incision reopened as Toby had again been allowed to scratch and open the surgical site in his mouth. On September 8, 2008, the dog returned and was found to have another open fistula as a result of scratching his face.

Toby was presented to Banfield on September 19, October 1 and October 9, 2008, with complaints of not eating, weight loss and diarrhea. Ultimately, Toby was seen by a second veterinarian, on or about October 11, 2008, who diagnosed a heart murmur, renal failure and opined that he was septic. Toby's prognosis was determined to be grave and he was later euthanized.

Dr. DeBaecke appeared before the Board on March 25, 2009 at an investigative inquiry. He maintained that a separate portion of the medical record, the physical examination screen, contained additional information, including Toby's description and breed, as required by the patient record regulation. However, this

information was not in the record he furnished and was never submitted to the Board. Despite testifying that he recommended referral of the dog to a veterinary dental specialist several times during the course of his treatment of Toby, Dr. DeBaecke admitted that he never documented these referrals in the medical records. The respondent also submitted correspondence, dated November 6, 2008, for the Board's consideration.

The Board, following its review of the patient records and other relevant documents in this matter, determined that the veterinary medical services provided by Dr. DeBaecke did not substantially deviate from acceptable veterinary medical standards of care to warrant disciplinary action. However, the Board concluded that Dr. DeBaecke violated or failed to comply with its patient record regulation, N.J.A.C. 13:44-4.9, in that his medical records for Toby do not contain information required by the regulations.

Specifically, the Board noted that the records maintained by Dr. DeBaecke failed to contain the following information, including, but not limited to: 1) Sufficient information to clearly identify the animal; 2) Conclusions and/or diagnosis; and 3) Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response, for example: notations of the recommended referrals. This conduct constitutes a violation of N.J.S.A. 45:1-21(h), and specifically

N.J.A.C. 13:44-4.9, and therefore establishes a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS DAY OF
AUGUST 2009, ORDERED THAT:

1. The respondent, Phillip DeBaecke, D.V.M., shall cease and desist from any further violations of N.J.A.C. 13:44-4.9.

2. Dr. DeBaecke shall pay a civil penalty in the amount of \$1,500.00 for his violation of the patient records regulation, namely N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a), as detailed above. Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Leslie G. Aronson, Executive Director of the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with the entry of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will

result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

I have read and understand
the within Consent Order and
agree to be bound by its terms.
Consent is hereby given to the
Board to enter this Order.

Phillip DeBaecke
PHILLIP DeBAECKE, D.V.M.

DATED: 8/26/09